



Forest Heights Police Department Policy and Procedures Manual

Subject:	Property and Evidence Storage and Disposal			
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A. Purpose

To establish Forest Heights Police Department (FHPD) policy and procedures for the storage and disposal of property and evidence.

B. General Provisions

1. A FHPD officer coming into possession of property or evidence will submit the item for storage and processing at the FHPD office before the end of the officer's shift.
2. Officers will complete an Incident Report describing each item and the circumstances by which the item came into his possession.
3. The Incident Report is in addition to any other required documentation (e.g., Property Record, Chain of Custody).
4. Officers will issue a receipt to owners of confiscated property and submit a copy of the receipt with the Property Record form.
5. The FHPD Chief will appoint a FHPD Property & Evidence Officer.
6. All property or evidence will be stored inside one of designated FHPD Property Lockers in a brown envelope, marked with the CCN, Date, Time and Officer's Signature entered on the envelope. An on duty supervisor will provide access to and will lock the door and secure the key per FHPD policy. If a supervisor is unavailable the officer will utilize the temporary storage mailbox and notify the evidence supervisor of its existence as soon as possible.
7. Property/evidence too large to place in the locker will be placed in the designated police garage bay.
8. Upon receipt of the property/evidence envelope the Property & Evidence Officer will log all property/evidence in the Property/Evidence Log Book and move said items to the applicable property/evidence storage area.
9. The following is a list of exceptions to the above rule:
 - a. Personal property of an arrested individual, other than evidence or contraband, will be returned to the individual after he is released from custody; if it is not possible to give the property back to the individual or another party (e.g., detention center employee, representative of the owner), the property will be stored. The individual will be advised how to retrieve the property by the arresting officer.
 - b. If found property is returned directly to the owner or the owner's authorized representative, a notation will be made in the officer's Records Management System (RMS) activity sheet documentation as necessary.
 - c. Property or evidence should not be taken from another agency unless it is part of a FHPD investigation, the product of a search warrant, the result of a subpoena or taken for disposal by the FHPD Property & Evidence Officer.
 - d. Items deemed hazardous will be stored and disposed of by personnel having the appropriate training and facilities to do so. As necessary contact the Prince George's County Police, Prince George's Department of Health, or the Prince George's County Fire Department as applicable.

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- e. The following items will be submitted to the Prince George's County Police Department Property Section: firearms, ammunition, and controlled dangerous substances (CDS).
- f. Property and evidence will not be stored at any place other than an approved storage area unless prior permission is obtained from the FHPD Chief to temporarily store items elsewhere.

C. Notification to Owners of Found Property

- 1. When abandoned property is received from someone other than the owner, officers will complete an Incident Report, and note the following:
 - a. Name, address and phone number of the person turning in the property; and
 - b. Circumstances surrounding the recovery.
 - c. Officers, when applicable, will attempt to locate an owner and note results.
 - d. When serial numbers are present the officer will make appropriate stolen checks.
- 2. Officers coming into possession of another person's personal property will attempt to notify the owner of the found property within three days, and if the owner:
 - a. Can be determined, he will be notified that his property is being held and the procedures by which it can be released; and
 - b. Is known but cannot be notified, the notification attempt will be recorded in the Incident Report.

D. Labeling Property and Evidence

- 1. All property and evidence will be appropriately labeled.
- 2. A clear plastic hear sealed evidence envelope or pouch will be used to hold smaller items.
- 3. A Prince George's Police Form 45, Evidence Tag, will be attached to items which cannot fit in an envelope or pouch. In cases where the item is not considered evidence, the word "evidence" on the card will be crossed through.
- 4. The envelope, pouch or tag will include:
 - a. The Incident Report number;
 - b. Any other pertinent information in the spaces provided.

E. Offensive Material

Property or evidence which may be considered outwardly offensive (e.g., sexually explicit) will:

- 1. Not be reproduced, disseminated or displayed except as required as part of the investigation and prosecution; and
- 2. Be stored in a sealed, nontransparent envelope or other container that will prevent viewing by persons not directly involved with the investigation.

F. Temporary Storage

- 1. Whenever property or evidence comes into the possession of an officer and the FHPD Property Officer is not available, the officer will place the item into a secure, temporary location (FHPD Property Locker) until it is remanded into the care of the Property Officer.
- 2. All property and evidence placed into Property Locker will be recorded in a Temporary Storage Log. This is in addition to the items being placed in a brown envelope, marked with the CCN, date, time and officer's signature entered on the envelope.
- 3. The Temporary Storage Log will be maintained using a Property Log, and will be in addition to the form kept for the regular property storage area and it will be marked "Temporary Storage Log."

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4. Officers who place property or evidence into the property Locker will complete the first four sections of the Temporary Storage Log that are: Date, Time, Description of Item, Officers signature. The property and Evidence Officer will enter the Date, Time and Signature when property/evidence items are moved to another location.
5. The Property Officer will transfer property and evidence from the Property Locker within 72 hours, place it in the appropriate storage location. In extenuated circumstances where the Property Officer is unavailable for an extended period the Chief or his designee will assume responsibility for the above.

G. Submitting Evidence to a Forensic Sciences Laboratory

For evidence requiring submission to a forensic sciences laboratory for analysis that would be associated with Part I Crimes the FHPD will refer Part I Crimes to the Prince George's County Police Department upon determining an incident is a Part I Crime.

H. Access to Property and Evidence

1. Only personnel who are authorized by the FHPD Chief will have access to areas used to store property and evidence.
2. Extra security measures will be taken for items that are sensitive, high in value, or otherwise constitute an increased security risk. (e.g., money, firearms, weapons, and controlled dangerous substances.)

I. Currency Not Seized

1. Currency not subject to forfeiture or classified as evidence will be returned to the owner or the owner's authorized representative as soon as possible.
2. If the owner cannot be identified, the currency along with the white, yellow and pink copies of the PGCOPD Property Record will be forwarded to the Property Locker immediately.
3. Currency considered evidence will be forwarded to the Property and Evidence Officer upon conclusion of the court case with authorization from the State's Attorney.
4. If ordered by the court to dispose of money, the officer will document the orders from the court in a supplement to the original incident report as well as on the PGCOPD Property Record which will be forwarded to the Property and Evidence Officer.
5. Receipts will be issued for all money or cashier's checks forwarded to the Property and Evidence Officer and will be attached to the Department's copy of the Property Record.

J. Seizing Currency

1. Currency may be seized when there is probable cause to believe it has been used or is intended to be used in connection with the, distribution, manufacturing or importation of Controlled Dangerous Substances (CDS), or in connection with illegal gambling or proceeds traceable to the offense. Officers will not seize currency in cases of misdemeanor possession or when a civil citation is issued for possession of marijuana less than 10 grams.
2. In addition to other required documentation, officers will complete a PGCOPD Property Record.
3. If an officer seizes currency and the incident involves CDS the currency will be secured by the FHPD. The seizing officer will contact the Prince George's State's Attorney's Office as a part of their case preparation requirement.
 - a. If at the conclusion of the related court case it is ordered that the currency be returned by the FHPD to the defendant, the investigating officer will notify the Property and Evidence Officer who will advise the Chief of Police. The Officer will provide a copy of the court order for inclusion in the related case file.

K. Releasing Property

1. FHPD employees will not convert to their own use or have any claim to any evidence or lost, mislaid, recovered or other property.
2. Property will be released to authorized individuals in accordance with FHPD procedure.
3. Persons authorized to receive property eligible for release are the rightful owner or the properly authorize representative of the identified owner.
4. Abandoned property that has remained unclaimed in the care of the FHPD for a period of three months may be claimed by the person who, except the town of Forest Heights personnel, delivered such property to the FHPD.
5. FHPD personnel releasing property must take steps to ensure that the party claiming the item(s) is entitled to possession. Each release may require different forms of authorization. Personnel should consider the circumstances of each report and take steps based on the information available, to establish the right of possession. Items that may be considered to establish authorization are:
 - a. Verbal, under limited circumstances may be the only form necessary, i.e., when the owner specifically identifies a party to accept. Only property identification at the time of release would be necessary.
 - b. Third party releases require substantial documentation. Forms of authorization may be:
 - (1) a notarized letter from the owner
 - (2) a court order as in the case of divorce spouses, judgments, incarcerated individuals
 - (3) legal documents as in the case of wills, power of attorney, writs of replevin
 - (4) the ability to specifically identify property. The right of possession may be established by the claimant's ability to identify the item(s), i.e., engravings, identification markings, serial numbers, insurance photographs, etc. Identification of items should be established with as much specificity as possible prior to the party viewing the item(s)